



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,464	09/30/2003	Marc Coulombe	87367.1000	1997

7590 10/19/2004
BAKER & HOSTETLER LLP
Washington Square
Suite 1100
1050 Connecticut Avenue, N.W.
WASHINGTON, DC 20036

EXAMINER

VU, DAVID HUNG

ART UNIT	PAPER NUMBER
----------	--------------

2828

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,464

Applicant(s)

COULOMBE ET AL.

Examiner

David Vu

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/09/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

2. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

3. The Japanese reference 40-9320526 listed on the information disclosure statement filed on 01/09/2004 has not been considered since the information disclosure statement fails to comply with 37 CFR 1.98(a)(2) which requires a legible copy of foreign patent.

Claim Objections

4. Claims 6-11 are objected to because of the following informalities: method steps should be starting from (a) down, not from (c) or (d). Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "standard" as in "...standard light bulb..." or "...standard light socket holder" renders the claimed indefinite since it is unclear what specifically standard is being referred to.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 4-5, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aubrey, U.S. Pat No 5,716,125 (cited by applicant).

Aubrey essentially discloses the claimed invention including fluorescent, high pressure sodium or metal halide light source 212 mounted in a reflector bulb 210 adapted to be screwed into a light bulb socket holder and an opposite end, and electronic ballast in fixture 201, see, for example, figures 2-3, columns 3-4. Aubrey does not explicitly disclose the lamp is a mercury arc type and a timer. However, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a mercury arc lamp and a timer since the Examiner takes Official Notice of the mercury arc lamp and timer for their use in the art and the selection of these well known components would be well within the level of ordinary skill in the art.

Note that the claim language "...adapted to..." is not a positive recitation. Clearly, a mercury arc lamp can be adapted to consume 60W of power or less. Obviously the combination of the ballast and socket can be adapted to be placed on a desk.

Regarding method claims 6-8, obviously the Aubrey reference can be used to generate UV, UVB, and UVC radiation in an enclosure.

Regarding method claims 9-10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed the mercury lamp in the field of treating skin disorders or for assisting in the production of vitamin D or for use as a germicide since mercury lamps have been known to be used in these areas. Obviously one of ordinary skill in the art also would have been motivated to use the arc lamp for the purpose of curing materials.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aubrey in view of Mendelsohn et al, U.S. Pat. No. 6,088,173.

Aubrey as discussed from the above, essentially discloses the claimed invention but fails to explicitly disclose a pinch clamp fixture. Mendelsohn et al disclose a pinch clamp fixture (figures 1 and 5). An obvious modification would have provided the Aubrey reference with the pinch clamp fixture as taught by Mendelsohn et al. It

would have been obvious to one having ordinary skill in the art at the time of applicant's claimed invention was made to have provided the Aubrey reference with the pinch clamp fixture so as to clamp the socket to an object. Obviously the fixture can be connected to the ballast.

Conclusion

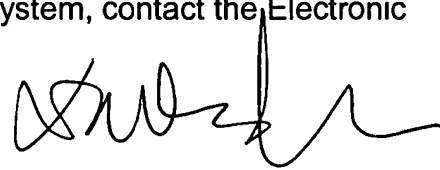
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent by Bender discloses the use of low power mercury lamp for treatment of skin disorders as well as for use as a germicide. The patent by Nishio et al is cited as showing a low power mercury lamp. The patents by Takahashi et al and Prager disclose general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (571) 272-1831. The examiner can normally be reached on M-F 8am-430pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Vu
Primary Examiner
Art Unit 2828

dv